Table of Contents

IAB # SH2323528/FO2335364



MISCELLANEOUS DOCUMENTS

- Administrative Rights/Force/Shooting Review Form
- Employee Training Records
- Copy of Court Minute Orders
- Foot Pursuit Form

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
8/18/2014	Norwalk Station	[ ]	[x]

Incident Information

URN: 912-14773-0458-055
Date: 10/20/2012
Time: 1445hours

City or Station: Norwalk

Nature of Incident: Deputies McMorrow and Jimenez were involved in a Deputy involved Hit shooting.

Location: Hermosillo Park
11959 162nd Street, Norwalk

Location Type (*check one or more*):
- [ ] Backyard
- [ ] Beach
- [ ] Business
- [ ] Freeway
- [ ] Industrial
- [x] Park
- [ ] Parking Lot
- [ ] Residence
- [ ] Rural
- [ ] School
- [ ] Street
- Other: ______

Lighting (*check only one*):
- [ ] Darkness
- [x] Daylight
- [ ] Other
- [ ] Street Lights

Weather (*circle only one*):
- [x] Clear
- [ ] Cloudy
- [ ] Fog
- [ ] Rain

Distance: 15 Feet

Incident Type (*check one or more*):
- [ ] Accidental
- [x] Armed Person
- [x] Fleeing Suspect
- [ ] Foot Pursuit
- [ ] Gun Take Away
- [ ] Moving Vehicle
- [ ] Sniper/Ambush
- [ ] Startle
- [ ] Struggle Involved
- [ ] Traffic Stop
- [ ] Unarmed Person
- [ ] Unintentional
- [ ] Vehicle Pursuit
- [ ] Warrant Service
- [ ] Warning Shot
- Other: ______

Initiated by (*check only one*):
- [ ] Arrest Warrant
- [ ] Call
- [x] Observation
- [ ] One Person Unit
- [ ] Other
- [ ] Search Warrant
- [x] Two Person Unit

Prior Activity (*check only one*):
- [ ] Detective
- [ ] Inmate Transport
- [x] Other
- [x] Routine Patrol

Total # of Shots Fired by Deputy: 14
Total # of Shots Fired by Suspect: 0

Aero Unit? [ ] Canine Unit? [ ]

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*check only one*)	ShiftType (*check only one*)
[redacted]	Miles	Grady		[ ] EM [ ] PM [x] Day	[ ] Regular [ ] Overtime [ ] Off Duty
[redacted]	Barragan	Frank		[ ] EM [ ] PM [x] Day	[ ] Regular [ ] Overtime [ ] Off Duty
				[ ] EM [ ] PM [ ] Day	[ ] Regular [ ] Overtime [ ] Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.
[redacted]	[redacted]	

Street Address [redacted]

Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]

Street Address [redacted]

Last Name	First Name	M.I.
[redacted]	[redacted]	

Street Address City Zip Code Work Ph Home Ph
[redacted]

Supervisors

Employee #	Last Name	First Name	M.I.	(*check one or more*)
[redacted]	Miles	Grady		[x] On Duty [x] Present during shooting [x] Witness to shooting [ ] Involved in shooting
				[ ] On Duty [ ] Present during shooting [ ] Witness to shooting [ ] Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Arevalo	Tina	L

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]	[redacted]

PSTD Use Only

SH # ______

Officer Involved Shooting

URN: 912-14773-0458-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
10/20/2012	1605		

Employee #	Last Name	First Name	M.I.
[redacted]	Johnson	Myron	
[redacted]	Ladjevic	David	
[redacted]	Trani	John	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	FH	SW	9			NN	
S#1	E#2	FH	SW	9			NN	
E#1	S#1	OV					NN	
S#1	E#1	FH	SW	9			NN	
S#1	E#2	FH	SW	9			NN	
E#1	S#1	FH	BR	9	Y	Y	GS	AR
E#2	S#1	FH	BR	9	Y	Y	GS	AR

Officer Involved Shooting
Involved Employee Information

URN: 912-14773-0458-055

Involved Employee

E 1

Employee #: [redacted]	Last Name: McMorrow	First Name: Michael	M.I.:
Sex: M / Race: White	Rank: DSG	Unit Assignment: Norwalk	Work Assignment (Unit #, Module, etc.): 45D2
ShiftTime (*circle only one*): ☐ EM ☐ PM ☑ Day	ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: / Interviewed? ☑
Hrs of sleep prior to shooting: 8 / Age: [redacted] Height: [redacted]	Duty Time (hrs): [redacted] / Weight: [redacted]	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest	Other Factors:
Range Qualification Date: [redacted]		PPC Qualification Date: [redacted]	Laser Training Date:
Certified with Weapon Used? ☑	Patrol Certification? ☑	Certification Unit: NWK / Prior Shootings? ☐	Number of Prior Shootings: / Directed Force: ☐
Weapons Fired Brand: Beretta	Caliber: 9mm / # Shots: 8	Weapons Fired Brand:	Caliber: / # Shots:
Field Training Officer Emp #: [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.:
Field Training Officer Emp #: [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.:

E 2

Employee #: [redacted]	Last Name: Jimenez	First Name: David	M.I.:
Sex: M / Race: H	Rank: DSG	Unit Assignment: Norwalk	Work Assignment (Unit #, Module, etc.): 45D2
ShiftTime (*circle only one*): ☐ EM ☐ PM ☑ Day	ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: / Interviewed? ☑
Hrs of sleep prior to shooting: 8 / Age: [redacted] Height: [redacted]	Duty Time (hrs): [redacted] / Weight: [redacted]	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest	Other Factors:
Range Qualification Date: [redacted]		PPC Qualification Date: [redacted]	Laser Training Date:
Certified with Weapon Used? ☑	Patrol Certification? ☑	Certification Unit: NWK / Prior Shootings? ☑	Number of Prior Shootings: 1 / Directed Force: ☐
Weapons Fired Brand: Beretta	Caliber: 9mm / # Shots: 6	Weapons Fired Brand:	Caliber: / # Shots:
Field Training Officer Emp #: [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.:
Field Training Officer Emp #: [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.:

E

Employee #:	Last Name:	First Name:	M.I.:
Sex: / Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: / Interviewed? ☐
Hrs of sleep prior to shooting: / Age: Height:	Duty Time (hrs): / Weight:	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest	Other Factors:
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit: / Prior Shootings? ☐	Number of Prior Shootings: / Directed Force: ☐
Weapons Fired Brand:	Caliber: / # Shots:	Weapons Fired Brand:	Caliber: / # Shots:
Field Training Officer Emp #:	Last Name:	First Name:	M.I.:
Field Training Officer Emp #:	Last Name:	First Name:	M.I.:

See Other Side

Officer Involved Shooting
Suspect Information

URN: 912-14773-0458-055

Suspect Information

S 1

Last Name: Aceituno		First Name: Angel	M.I.
AKA Last Name		First Name	M.I.
Sex: M Race: Hispanic	Street Address: [redacted]	City: [redacted]	State & Zip Code:
Work Phone:	Home Phone: [redacted]	Social Security #:	Driver's License #:
Age: 18 D.O.B. 4/23/1994	Height: 503 Weight: 130	FBI # [redacted]	CII # [redacted]
Booking # 3341435	Primary Charge: 245(D)(1) PC	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☑	Apprehended? ☑	Mental Illness? ☐	Criminal History? ☑
Vehicle Make		Model:	Year:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 012-14773-0458-055		Date: 10/20/2014	Time: 1445 hours
Location: 11959 162nd street		City or Station: Norwalk	
Bureau/Station/Facility: Norwalk Station		Admin. Investigation: ○ YES ◉ NO	
Type of Force: Category 3 Personal Weapons/Gunshot/Vehicle			
Incident Category: ○1 ○2 ◉3	Deputy Injury: ○ YES ◉ NO	Suspect Injury ◉ YES ○ NO	
☐ Call ☒ Observation ☐ Detail	☐ Foot Pursuit	☐ Vehicle Pursuit	
IAB Notified: ◉YES ○ NO	Person Notified: Lt. Johnson	Emp: [redacted]	IAB Roll Out ◉ YES ○ NO

Involved Employee

E 1

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	McMorrow	Michael		DSG

Sex:	Race:	Height:	Weight:	Age:	Shift:	
◉ M ○ F	W	[redacted]	[redacted]	[redacted]	○ EM ◉ Day ○ PM	◉ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: Norwalk Station	Work Assignment (Unit #, Module, etc.): 45D2
Individual Force Used: Vehicle/Handgun/Personal Weapon(Kick)	○ Directed ○ Rescue ○ Medical Assist — Individual Category ○1 ○2 ◉3
☐ Injured ☒ Treated ☐ Admitted Facility:	Coroner Case #

E__

Employee #	Last Name	First Name	Middle I.	Rank

Sex:	Race:	Height:	Weight:	Age:	Shift:	
○ M ○ F					○ EM ○ Day ○ PM	○ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
Individual Force Used:	○ Directed ○ Rescue ○ Medical Assist — Individual Category ○1 ○2 ○3
☐ Injured ☐ Treated ☐ Admitted Facility:	Coroner Case #

E__

Employee #	Last Name	First Name	Middle I.	Rank

Sex:	Race:	Height:	Weight:	Age:	Shift:	
○ M ○ F					○ EM ○ Day ○ PM	○ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
Individual Force Used:	○ Directed ○ Rescue ○ Medical Assist — Individual Category ○1 ○2 ○3
☐ Injured ☐ Treated ☐ Admitted Facility:	Coroner Case #

On Duty Supervisor

☐ Additional Involved Employees

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
	Johnson	Christopher		SGT	YES ○ NO ◉	YES ○ NO ◉

Supervisor Completing Investigation

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Ladjevic	David		SGT	YES ○ NO ◉	YES ○ NO ◉

Watch Commander / Supervising Lieutenant

Emp. #	Last Name	First Name	Middle I.	Rank
	[redacted]	[redacted]		[redacted]

Watch Commander / Supervising Lieutenant's **Signature**: ________ Date ________ Copy Provided to Employee by: ________ Emp #: ________

Unit Commander **(Print Name)** ________ Unit Commander's **Signature**: ________ Emp #: ________ Date ________

DISCOVERY Use Only
FO#

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

S[...]pervisor's Report on Use of F[...]ce
SUSPECT INFORMATION

0 1 2 - 1 4 7 7 3 - 0 4 5 8 - 0 5 5

Suspect Information

S 1

Last Name: Aceituno	First Name: Angel	Middle Name:	Armed? Select: Firearm (Handgun)
AKA Last Name:	First Name:	Middle Name:	

Sex:	Race:	Age:	Height:	Weight	D.O.B:	Phone #1: ○ H ○ W ○ C	Phone #2: ○ H ○ W ○ C
(●) Male ○ Female	H	18	503	130	4/23/94		

Street Address: [redacted] City: [redacted] State & Zip Code: [redacted]

Booking #: 3341435 Primary Charge Code: 245(D)(1) PC Secondary Charge Code: ☒ Criminal History

Treated on Scene? (●) YES ○ NO Name: LA County Fire Unit: 115 Phone #:

Hospital Admission? ☒ Rec'd Treatment At: UCI Medical Center Coroner Case #: Mental History ☐ User's guide provides direction on this entry

By: Dr. Pahlavan Address: 101 The City Dr. S, Orange 92868 Phone #: 741-456-7890

Under Influence: (●) YES ○ NO Substance: CNS Stimulant 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Suspect Interview

Date: Time: ☐ Audiotape: ☐ Videotape: ☒ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name:	First Name:	Middle Name:	Armed? Select:
AKA Last Name:	First Name:	Middle Name:	

Sex:	Race:	Age:	Height:	D.O.B.	Weight:	Phone #1: ○ H ○ W ○ C	Phone #2: ○ H ○ W ○ C
○ Male ○ Female							

Street Address: City: State & Zip Code:

Booking #: Primary Charge Code: Secondary Charge Code: ☐ Criminal History

Treated on Scene? ○ YES ○ NO By: Unit: Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case #: Mental History ☐ User's guide provides direction on this entry

By: Address: Phone #:

Under Influence: ○ YES ○ NO Substance: 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Suspect Interview

Date: Time: ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name:	First Name:	Middle Name:	Armed? Select:
AKA Last Name:	First Name:	Middle Name:	

Sex:	Race:	Age:	Height:	D.O.B.	Weight:	Phone #1: ○ H ○ W ○ C	Phone #2: ○ H ○ W ○ C
○ Male ○ Female							

Street Address: City: State & Zip Code:

Booking #: Primary Charge Code: Secondary Charge Code: ☐ Criminal History

Treated on Scene? ○ YES ○ NO By: Unit: Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case #: Mental History ☐ User's guide provides direction on this entry

By: Address: Phone #:

Under Influence: ○ YES ○ NO Substance: 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Suspect Interview

Date: Time: ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

0 1 2 - 1 4 7 7 3 - 0 4 5 8 - 0 5 5

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]		[redacted]	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

☐ **Additional Witness**

Supervisor's Report on Use of Force

0 1 2 - 1 4 7 7 3 - 0 4 5 8 - 0 5 5

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Aceituno	S#1	McMorrow	E#1	UC	NN	
Aceituno	S#1	McMorrow/Jimenez	E#1/2	FH	NN	
McMorrow	E#1	Aceituno	S#1	OV	NN	
Aceituno	S#1	McMorrow	E#1	FH	NN	
McMorrow	E#1	Aceituno	S#1	FH	GS	AR
Jimenez	E#2	Aceituno	S#1	FH	GS	AR
Mcmorrow	S#1	Aceituno	S#1	PK	NN	SH

INVESTIGATIVE SUMMARY

DEPUTY INVOLVED SHOOTING: HIT

CASE NUMBER: SH2323528/FO2335364

File # 012-14773-0458-055

DATE: October 20, 2012

TIME: 1445 hours

LOCATION: 11959 162nd Street, Norwalk

SYNOPSIS

On October 20, 2012, at approximately 1445 hours, Deputies Michael McMorrow and David Jimenez, assigned to Norwalk Station, Norwalk Enforcement Team, were providing security for the City of Norwalk Halloween Parade. The terminus of the parade was at 11959 162nd Street, Norwalk, Hermosillo Park.

Deputy McMorrow and Deputy Jimenez were positioned at the southwest corner of Hermosillo Park when they noticed a group of males they believed to be "Varrio Norwalk" gang members standing adjacent to the restrooms.

> **IAB NOTE:** The restrooms are located north of where the deputies were positioned.

As the deputies observed the males, the males began to walk east through the park toward 161st Street. Deputy McMorrow and Deputy Jimenez entered their black and white patrol vehicle and drove east through the parking lot in an attempt to contact the group of males.

> **IAB NOTE:** Deputy McMorrow was the driver deputy and Deputy Jimenez was the passenger deputy.

Deputy McMorrow began to drive north through the park when two of the males turned and began to walk west through the park in the opposite direction of the group. As the two males were separating themselves from the group, one of the two males, Suspect Aceituno, began to run northwest through the park. As Suspect Aceituno was running he was holding his waistband. Deputy McMorrow and Deputy Jimenez saw Suspect Aceituno remove a gun from his waistband and begin to turn to his left. Deputy McMorrow believed the suspect was going to shoot him or his partner and he accelerated the vehicle in the direction of the suspect. The patrol car struck the suspect

and the suspect fell to the ground near the front of the vehicle. Deputy McMorrow applied the brakes and stopped the vehicle. Deputy McMorrow and Deputy Jimenez drew their weapons and exited the patrol vehicle, attempting to contact the suspect at the front of the patrol vehicle.

As they exited the vehicle the suspect stood up and began to run north through the park. Deputy McMorrow and Deputy Jimenez ordered the suspect to stop running and to drop the gun. As the suspect was running his hands were concealed near his waistband and it appeared to Deputy McMorrow that the suspect was manipulating the gun, possibly chambering a round. The suspect again turned to his left and the deputies believed the suspect was going to shoot them. Fearing for their safety, Deputy McMorrow and Deputy Jimenez fired several rounds from their duty weapons, striking the suspect.

After being struck by the gun fire Suspect Aceituno tossed the gun, fell to the ground, and landed on his stomach with his right arm beneath him. Deputy McMorrow ordered the suspect to remove his hand from under his body. Suspect Aceituno did not comply. Deputy McMorrow approached the suspect as he layed on the ground and kicked him one time on his right shoulder. The suspect removed his hand from under his body and Deputy McMorrow detained him at gun point pending the arrival of assisting deputies. Upon the arrival of assisting deputies, Suspect Aceituno was handcuffed without further incident.

IAB NOTE: On November 20, 2013, Deputy District Deborah A. Delport of the Justice System Integrity Unit authored a letter of Opinion. DDA Delport concluded that Deputy McMorrow and Deputy Jimenez acted in, "Lawful self-defense." **Refer to Exhibit B**, for District Attorney's Letter of Opinion.

This is a summary based on statements given during audio recorded interviews by the Deputy and witnesses. For complete and detailed statements refer to the digital audio recorded files and the verbatim transcripts, which are included in this investigation.

INVOLVED PERSONNEL

McMorrow, Michael #[redacted] MW/[redacted] Right Handed

Norwalk Station

South Patrol Division

Date of Employment: 4/2001

[redacted]

[redacted]

Jimenez, David #[redacted] MW/[redacted] Right Handed

Norwalk Station

South Patrol Division

Date of Employment: 4/2001

[redacted]

SUSPECT

Aceituno, Angel Gunshot Wound MH/18 5-03 130

[redacted]

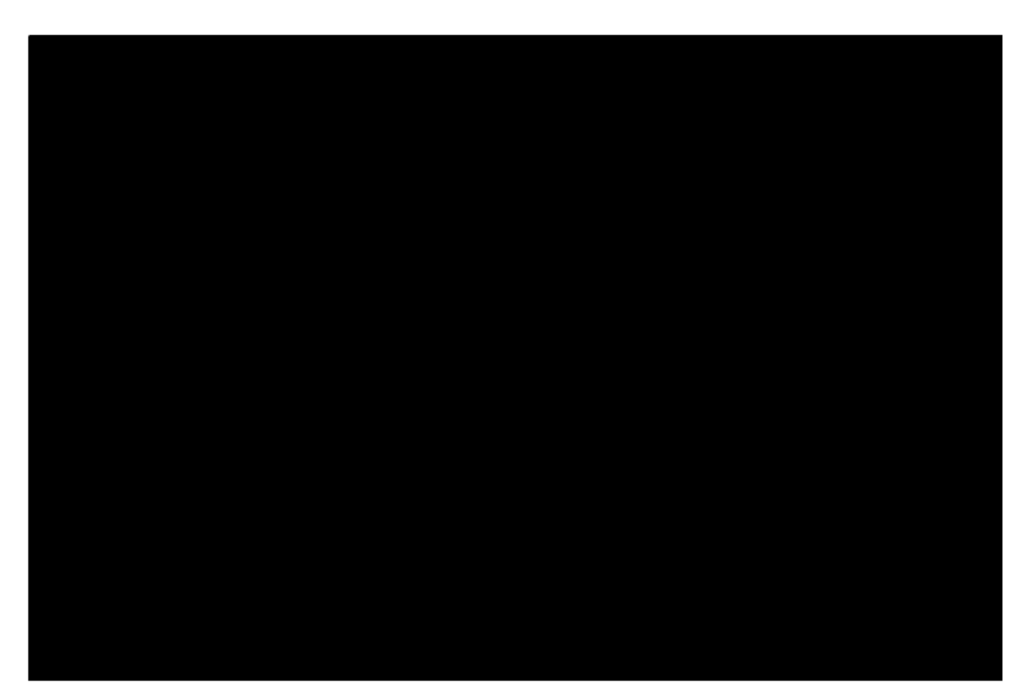
DEPARTMENT WITNESSES

Miles, Grady #[redacted], Sergeant

Barragan, Frank [redacted], Deputy Sheriff

NON-DEPARTMENT WITNESSES

[redacted]


[redacted]

IAB NOTE: Several of the neighboring houses were canvassed for potential witnesses. None of the persons contacted saw the incident, several only heard it. **See Exhibit A**, pages 12, 26 and 39.

<u>INJURIES</u>

<u>Suspect Aceituno</u>

Below are the injuries Suspect Aceituno sustained during the incident:

Two gunshot wounds to his left forearm

Gunshot wound to his right shoulder

Abrasion to the left rib cage

See Exhibit A, page 21, for Deputy G. Ochoa's [redacted] supplemental report.

<u>Deputy Personnel</u>

No injuries

PHYSICAL EVIDENCE

Several items of evidence were collected by the staff from Scientific Services Bureau.

> **IAB Note:** A sketch of the crime scene, and evidence legend, is included in this case book. See **Exhibit A pages 133 thru 144,** for Supplemental Report authored by [redacted]. Photographs of the scene are also included. See **Exhibit D**.

Evidence was collected and booked by members of the Sheriff's Department Scientific Services Bureau. **See Exhibit A, page 63.**

DISTANCE

Deputy McMorrow and Deputy Jimenez were approximately 15 feet from the suspect when the shooting occurred.

INVESTIGATOR'S OBSERVATIONS

On October 20, 2012, the Internal Affairs Bureau's Force and Shooting Response Team Responded to the City of Norwalk regarding a deputy involved hit shooting. The team consisted of Lieutenant Myron Johnson, Sergeants David Ladjevic and John Trani. Attorney Dianne Teran of the Office of Independent Review also responded.

> **IAB NOTE:** Internal Affairs Bureau Lieutenant Myron Johnson checked to see that the Norwalk Station Watch Commander, [redacted] took reasonable steps to ensure the involved and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, and that the involved and witness personnel did not collectively consult with their representative. In addition IAB Lieutenant Myron Johnson checked to see if the watch commander attempted to have the involved and witness personnel gather in the company of a supervisor until they had provided a statement to the assigned investigators.

Upon their arrival they learned that there was an active command post and containment of the crime scene area. Investigators learned of the series of events which culminated in a deputy involved, hit, shooting involving Deputies Michael McMorrow and David Jimenez.

The criminal investigation was handled by Homicide Bureau Detectives Sergeant Don

Walls and Sergeant Sandra Nava. They entered the crime scene with Sheriff's Crime Lab Personnel. They documented their actions and finding on Supplemental Reports. **See Exhibit A, pages 44-98.**

WEAPON USED BY DEPUTY PERSONNEL

Deputy Name: McMorrow, Michael

Service Weapon Type: Beretta 92F, 9 millimeter Semi-automatic

Rounds Fired: 8

Type of Ammunition Used: Department issued Luger ("Win) Ranger SXT 147gr.

[redacted]

Deputy Name: Jimenez, David

Service Weapon Type: Beretta 92F, 9 millimeter Semi-automatic

Rounds Fired: 6

Type of Ammunition Used: Department issued Luger (Win) Ranger SXT 147gr.

[redacted]

WEAPON USED BY SUSPECT

Aceituno, Angel

Type of Weapon Used: Smith and Wesson Model 5906, 9mm Semi-automatic pistol

Weapon Recovered: Yes

Casings Recovered: 1

Gunshot Residue Results: N/A

Weapon Checked for Fingerprints: N/A

PROPERTY DAMAGE

None

CRIMINAL INVESTIGATOR/CHARGES FILED

Investigator's Name: Wall, Don and Nava, Sandra
Court: Bellflower Superior Court
Charges: 12022.53(b) and 12022.5(a) and (d) PC 245(d)(2) PC, 25850(a)PC, 25850(c)(1), and 29800(a)(1)PC
Court Date: 10/7/2014, Case Dismissed Pursuant to 1382 PC. **Refer to Miscellaneous Documents**, for copy of the court minute orders

LIGHTING AND WEATHER CONDITIONS

Daytime, clear and warm

EMPLOYEE STATEMENT

McMorrow, Michael #[redacted], Deputy Sheriff

Involved Deputy Michael McMorrow was interviewed by Homicide Detective Sergeants Don Walls and Sandra Nava at Norwalk Station on October 20, 2012, at 2220 hours. The interview was digitally audio recorded. **Refer to Exhibit A**, page 90 for the Homicide Investigator's summary.

Deputy Michael McMorrow was interviewed on August 20, 2014, by Internal Affairs Bureau Sergeants David Ladjevic and Romeo Ingreso. The interview took place at Internal Affairs Bureau and was digitally audio recorded. Deputy McMorrow was represented by Attorney Dale Nowicki from Green and Shinee.

On October 20, 2012, Deputy McMorrow was assigned to Norwalk Station, Norwalk Enforcement Team. Deputy McMorrow said his partner was Deputy David Jimenez. He said he was the driver deputy and Deputy Jimenez was the passenger deputy. Deputy McMorrow said they were assigned to work the [redacted] Halloween Parade and were assigned a position at Pioneer Boulevard and Excelsior Avenue. He said when the parade ended they responded to Hermosillo Park to provide security at the park.

> **IAB NOTE**: Hermosillo Park is the ending point of the Halloween Parade. At the conclusion of the parade an awards ceremony is held within the park.

Deputy McMorrow said when they arrived at the park they parked their vehicle on 162nd Street and entered the park. He said when they entered the park they noticed a group of approximately 15 to 20 "gang members" standing on the north side of the restrooms inside of the park. He said they spoke with their field sergeant, [redacted] regarding the gang members. He said [redacted] received several complaints

from the park patrons about the "gang members" drinking in the park. Deputy McMorrow said that he recognized the "gang members" from previous contacts as being from the "Varrio Norwalk" street gang. Deputy McMorrow said as they were watching the "gang members," a group of approximately 7 to 8 of them broke away from the group and began to walk east through the park. He said they were walking toward an inlet located on the east side of the park.

IAB NOTE: The inlet referred to is located at the cul-de-sac of 161st street.

Deputy McMorrow said prior to the parade beginning, a briefing was held at which time they were informed of a possible gang related shooting at the park. He said the rival gang of "Varrio Norwalk" is the "Carmelas" gang. He said the "Carmelas" gang entered a car club into the parade and their vehicles were parked on 162nd Street. He said the vehicles were parked west of their position near, Clarkdale Street. Due to the information from the briefing, complaints about drinking and knowledge through previous contacts that several of the gang members were on probation or parole, they decided to contact the group that was walking east. He said he and Deputy Jimenez entered their patrol vehicle and drove east on 162nd Street to the east parking lot. He said they drove north though the parking lot to an area that allows access for vehicles into the park.

Deputy McMorrow said when they entered the grassy area of the park they were driving approximately two to three miles per hour when they saw approximately five or six of the gang members continue east toward the inlet. He said two of the males branched off and began to double back and go west. He said at this point they made a decision based on the numbers. He said they decided to contact the two males that were walking west.

Deputy McMorrow said he drove past the group of males and continued following the two males that were walking away from the group. He said as they passed the group one of the two males looked back at them and began to walk at a rapid pace and then began running. He said the other male stopped and they proceeded to follow the male, Suspect Aceituno, who was running. He said he accelerated and continued to follow the suspect north through the park.

IAB NOTE: The north end of the park is enclosed by a 15 foot wall with no outlets.

Deputy McMorrow said they were going to follow the suspect, close the distance between he and them, and then give him verbal orders from the car to stop so they could contact him. He said as the suspect was running he placed both of his hands toward his waistband. Deputy McMorrow said he has had several people run from him and he recognized the difference between a quick pulling up of the pants and retrieving something. Deputy McMorrow said the way the suspect placed his hands in his

waistband he believed the male was retrieving something or attempting to arm himself. He said he had not seen a weapon but he recalled notifying Deputy Jimenez saying, "Gun" or [redacted]"

Deputy McMorrow said they were approximately 30 to 40 feet behind the suspect and the suspect continued running with his hands near the front of his waistband. He said since they were behind the suspect he could not see what the suspect was doing so he told Deputy Jimenez, "Gun, [redacted]." He said the suspect then removed his hands from his waistband and started running into a full sprint. He said as the suspect was sprinting and his hands came down he could see the butt of a gun in his right hand. Deputy McMorrow said he continued to accelerate when the suspect began to turn to his left. Deputy McMorrow said when the suspect began to turn to his left he believed the suspect was going to shoot him or his partner. He said that was when he made the decision to accelerate the vehicle and strike the suspect with the vehicle. He said stopping and exiting the vehicle was not an option believing the suspect could have engaged them and fired several rounds before they could have exited the vehicle.

Deputy McMorrow said he struck the suspect with the vehicle, causing the suspect to bend at the waist backwards and fall to the ground. He said upon impact he immediately stopped the vehicle and he and Deputy Jimenez exited the vehicle with their guns drawn. He said as they exited their vehicle the suspect "jumped up" and began running. He said as the suspect was running they began to follow him. He said due to being in the middle of the park with no cover other than the patrol vehicle, they split off and fanned out.

Deputy McMorrow said after striking the suspect with the vehicle and the suspect falling to the ground, he did not know if the suspect maintained control of the weapon or if he had dropped it. He said once the suspect began to run he saw the suspect had maintained control of the weapon and continued to run with it in his right hand. Deputy McMorrow said as the suspect was running he was hunched over at the waist with his hands in front of him. He said through his training and experience he believed the suspect was manipulating the weapon, possibly chambering a round. He said when he saw the suspect's actions he began to yell, "Drop the gun! Get on the ground," numerous times.

Deputy McMorrow said after commanding the suspect to drop the gun, the suspect began to turn to his left and blade his body toward him. He said he saw the weapon in the suspect's right hand and the suspect began to raise the weapon. He said at that point he feared for his life and his partner's life and felt that the suspect was going to kill them. He said he fired his weapon and could hear Deputy Jimenez was firing his weapon. He said as he was firing his weapon, the suspect appeared to be struck by the gunfire and fell to the ground. He said as the suspect was falling to the ground he simultaneously threw the gun.

Deputy McMorrow said after the suspect was struck by the gunfire and fell to the ground he landed with his right arm under his body near his waistband. He said although the suspect threw the weapon, he felt that he was still dealing with an armed suspect. He said as he contacted the suspect he told the suspect, "Let me see your hands! Take your hands out from under you!" He said the suspect ignored his commands. He said he believed the suspect may have been retrieving a second weapon so he kicked him one time on the right shoulder. Deputy McMorrow said after kicking the suspect he immediately removed his hand from under his body. He said he detained the suspect until Sergeant Miles arrived and assisted him with handcuffing.

Deputy McMorrow said after the suspect was handcuffed the crowd in the park became unruly, almost to a "Riot" situation. He said he holstered his weapon and Deputy Jimenez was focused on the crowd.

Deputy McMorrow said due to the brief (approximately 15 to 20 seconds) time between seeing the weapon and striking the suspect, he was unable to put out radio traffic regarding the person with a gun.

IAB NOTE: Additional information and precise wording regarding Deputy McMorrow's interviews may be obtained by reviewing his recorded interviews and transcripts.

Jimenez, David #[redacted], Deputy Sheriff

Involved Deputy David Jimenez was interviewed by Homicide Detective Sergeants Don Walls and Sandra Nava at Norwalk Station on October 20, 2012, at 2220 hours. The interview was digitally audio recorded. **Refer to Exhibit A**, page 93-95 for the Homicide Investigator's summary.

Deputy David Jimenez was interviewed on August 20, 2014, by Internal Affairs Bureau Sergeants David Ladjevic and Romeo Ingreso. The interview took place at Internal Affairs Bureau and was digitally audio recorded. Deputy Jimenez was represented by Attorney Dale Nowicki from Green and Shinee.

On October 20, 2012, Deputy David Jimenez was assigned to Norwalk Station, Norwalk Enforcement Team. Deputy Jimenez said his partner was Deputy Michael McMorrow Jimenez. He said he was the passenger deputy and Deputy McMorrow was the driver deputy. Deputy Jimenez said they were assigned to work the [redacted] Halloween Parade and were assigned a position at Pioneer Boulevard and Excelsior Avenue. He said when the parade ended they responded to Hermosillo Park to provide security at the park.

Deputy Jimenez said when they arrived at Hermosillo Park they parked their patrol vehicle on 162nd Street and were positioned in the southwest area of the park when

they noticed a large congregation of "gang members" in the park near the restrooms. He said their sergeant received several complaints from the park patrons regarding the "gang members" drinking alcoholic beverages in the park. He said they told their sergeant, [redacted], they were going to contact the "gang members." He said as they looked in the direction of the "gang members" approximately six of them broke away from the group and began to walk in a northeasterly direction through the park. Deputy Jimenez said they entered their vehicle in order to contact the group of six "gang members" that were walking east through the park.

Deputy Jimenez said they entered the park off of 162nd Street and drove north toward the six "gang members." He said as they drove closer to the group of six, two of them split from the group and began to walk in a northwest direction toward the rear of the park. He said as they were driving they decided to follow the two individuals that were walking north. Deputy Jimenez said one of the two males, Suspect Aceituno, turned and looked in their direction. He said when the suspect realized they were following him he began to run. Deputy Jimenez said as the suspect was running he placed his hands toward his waistband. He said as the suspect was running he did not appear to be holding onto his pants, but appeared to be manipulating something with his hands near his waistband. At that point his partner said he might have a gun.

Deputy Jimenez said his partner told him, "Hey, gun, gun," and then accelerated the vehicle and struck the suspect. He said the suspect's legs went under the car and his upper body went toward the hood. He said the suspect dropped to the ground and his partner immediately stopped the vehicle. He said they believed the suspect was down when they exited their vehicle to approach the suspect. He said as they approached the front of the vehicle the suspect got up and began to run north with the weapon in his hand. He said he moved vertically away from the car to the right and his partner was moving to his left. He said as they were moving they gave the suspect voice commands, telling him, "Stop running. Stop running." Deputy Jimenez said he believed his partner yelled, "Drop the gun. Drop the gun."

Deputy Jimenez said as they were moving and giving voice commands to the suspect, the suspect turned to his left and produced a handgun. He said when the suspect produced the handgun, he feared for his safety and the safety of his partner and fired his weapon striking the suspect. He said after firing his weapon the suspect fell to the ground. He said as the suspect was falling he simultaneously tossed the handgun. He said, "I could clearly still remember the handgun flying through the air, landing on the grass."

Deputy Jimenez said once the suspect was down he initiated emergent traffic regarding a deputy involved shooting. **Refer to Exhibit E**, for radio traffic.

Deputy Jimenez said he did not observe any force used on the suspect at the end of the incident, due to him diverting his attention to the crowd which was becoming hostile.

IAB NOTE: Additional information and precise wording regarding Deputy Jimenez' interviews may be obtained by reviewing his recorded interviews and transcripts.

SUSPECT ANGEL ACEITUNO

Suspect Angel Aceituno was interviewed On October 22, 2012 at 0030 hours, by Homicide Investigator, Sergeant Don Walls at University of California Irvine Medical Center. Suspect Aceituno invoked his rights and was not questioned. **Refer to Exhibit A page 95**, for Homicide summary of Suspect Aceituno's interview.

Suspect Angel Aceituno was interviewed on October 24, 2014, by Internal Affairs Bureau Sergeants David Ladjevic and Louis Vigil. The interview took place at Men's Central Jail and was digitally audio recorded.

IAB NOTE: Additional information and precise wording regarding Suspect Aceituno's interview may be obtained by reviewing his recorded interviews and transcripts.

Suspect Aceituno said he entered Hermosillo Park through a cul-de-sac on the east side, with his friend, [redacted]. He said as he entered the park he noticed a lot of cops when he stopped to talk to a group of people as he was trying to go to the other side of the park. He said he then began to make his way to the other side of the park.

IAB NOTE: Suspect Aceituno was unsure of the street which he entered the park through, however he was able to describe his direction of travel within the park.

Suspect Aceituno said as he began walking across the field with his friend [redacted] he noticed some cop cars coming toward them. He said as the cop car was driving it drove off of the walkway and onto the grass. He said when the car "hit" the grass he began to run.

IAB NOTE: Suspect Aceituno was on probation and believed if he was contacted by the police he would have violated his probation.

Suspect Aceituno said he was running west when the police car struck him causing him to "roll" up on the hood. He said the car hit the brakes and he got off. He said he got up and started running again.

IAB NOTE: Suspect Aceituno said his friend, [redacted] grabbed him by the hand and picked him up.

Suspect Aceituno said he was now running north toward the rear of the park when he felt his arm go "numb." He said he turned and looked in the direction of the deputies to see what hit him. He believed he was struck by a Taser or Bean Bag. He said when he turned he saw both deputies shooting at him. He said the bullet that hit his shoulder caused him to fall to the ground. He said he tried to get back up again, but was detained by a deputy.

Suspect Aceituno said the deputies "probably" told him to stop but he was immediately hit by the car and after being hit he couldn't really hear. Suspect Aceituno said he did not have a gun nor did he point a gun at the deputies.

DEPARTMENT WITNESS

Miles, Grady [redacted], Sergeant

Sergeant Grady Miles was interviewed by Homicide Investigators, Sergeant Don Wall and Sandra Nava at Norwalk Station October 20, 2012, at 2145 hours. The interview was digitally audio recorded. **Refer to Exhibit A**, **pages 88-89,** for the Homicide Investigator's summary.

Sergeant Grady Miles was interviewed on October 8, 2014, by Internal Affairs Bureau Sergeants David Ladjevic and Louis Vigil. The interview took place at Norwalk Station and was digitally audio recorded.

On October 20, 2012, Sergeant Miles was assigned to Norwalk Station, Norwalk Enforcement Team, as 43S. Sergeant Miles said on the date of the incident his assignment was to provide security for the City of Norwalk Halloween Parade. He said he was parked at the northeast corner of the park, facing south, monitoring a problematic housing location.

Sergeant Miles said while parked at the location he saw Suspect Aceituno run over a hill, that was located to the south of him, holding onto the right side of his waistband. Sergeant Miles said shortly after he saw the suspect running he saw a radio car driven by Deputies McMorrow and Jimenez following the suspect. Sergeant Miles said after the suspect crested the hill he removed a gun from his waistband, turned to his right and pointed it at the deputies. Sergeant Miles said he began to drive west toward the area of the suspect when he saw the radio car collide with the suspect, causing the suspect to fall to the ground. He said the suspect immediately got up and again began to run, maintaining control of the gun. He said he was approximately 30 feet away from the suspect when he stopped his vehicle in order to prevent a crossfire situation. He said when he stopped his vehicle, the deputies engaged in the shooting.

Sergeant Miles said he exited his vehicle and ran toward the suspect. He said as he was running toward the suspect, both Deputy McMorrow and Deputy Jimenez were also

running toward the suspect. He said he believed the suspect was still in possession of the gun while he was on the ground. He said Deputy McMorrow searched the suspect and he handcuffed him. Sergeant Miles said once the suspect was secure he responded to the east end of the park and assisted another unit that unit was detaining two other males. He said once the other two males were secure he responded back to where the suspect was lying on the ground. He retrieved a towel from his vehicle and applied pressure to the suspects wound.

Sergeant Miles said the crowd was becoming hostile and someone used the radio to request assistance. **Refer to Exhibit E**, for radio traffic.

Sergeant Miles did not observe any other force used against the suspect.

> **IAB NOTE:** Additional information and precise wording regarding Sergeant Miles' interviews may be obtained by reviewing his recorded interviews and transcripts.

Barragan, Frank [redacted], Deputy Sheriff

Deputy Frank Barragan was interviewed by Homicide Investigators, Sergeant Don Wall and Sandra Nava at Norwalk Station October 20, 2012, at 2201 hours. The interview was digitally audio recorded. **Refer to Exhibit A**, **pages 89-90,** for the Homicide Investigators summary.

Deputy Frank Barragan was interviewed on October 2, 2014, by Internal Affairs Bureau Sergeants David Ladjevic and Louis Vigil. The interview took place at Norwalk Station and was digitally audio recorded.

On October 20, 2012, Deputy Barragan was assigned to Norwalk Station, and was assisting with security at Hermosillo Park for the City of Norwalk Halloween Parade. He said he was an area west of the east parking lot near the marching bands. He said while in this area he saw a group of males sitting on a park bench on the east side of the park approximately 200 feet from the east driveway.

Deputy Barragan said after he saw the males he saw Deputy McMorrow and Deputy Jimenez driving a black and white patrol car north in the east parking lot. He said as the deputies drove north he saw two of the males stand up and begin to run west through the park. He said he started running west in an attempt to intercept their path if they decided to run south into the crowd. He said he ran behind the food tents and lost sight of the deputies and when he emerged from the rear of the tents he saw both deputies chasing the suspect.

IAB NOTE: Food vendors were located at the south end of the park near the handball/basketball courts.

Deputy Barragan said after emerging from the rear of the tents he began to run north on the eastside of the playground where he saw Deputy McMorrow and Deputy Jimenez chasing the suspect. He said he was approximately 100 to 150 feet behind the deputies when he saw the suspect turn in the direction of the deputies and point his weapon at the deputies. He said both deputies ordered the suspect to drop the weapon. He said both deputies fired their weapons, striking the suspect. He said the suspect fell to the ground and Deputy McMorrow and Deputy Jimenez made contact with the suspect and handcuffed him.

Deputy Barragan said he believed he used the radio to broadcast the shots fired because he was on Norwalk Station's radio frequency, Dispatch 13. He said he did not observe any other force used on the suspect after the shooting.

IAB NOTE: Additional information and precise wording regarding Deputy Jimenez' interviews may be obtained by reviewing his recorded interviews and transcripts.

NON-DEPARTMENT WITNESS STATEMENT(S)

WITNESS [redacted]

Witness [redacted] was interviewed by Homicide Investigators, Sergeants Don Wall and Sandra Nava at Norwalk Station on October 20, 2012, at 1940 hours. The interview was digitally audio recorded. The following is a summary of their interview.

Witness [redacted] told the investigators he was in the park at the time of the incident standing in the area north of the playground. He said his attention was drawn to a group of "gang members" gathered near the table located northeast of the handball courts. He said it appeared to him that there was some sort of a disturbance between two "gang members" that recently joined the group. He said he continued to watch the group when he saw a black and white patrol vehicle driving on the grass, toward the group.

Witness [redacted] said two of the suspects that were with the group began to run north across the grass and were being chased by the patrol vehicle. He said the deputies pursued the suspect for a short distance when the suspect tripped and fell in front of the patrol vehicle. He said the deputies stopped and exited the vehicle.

Witness [redacted] said the suspect got to his feet and began to run away from the deputies. He said the suspect was armed with a gun. Witness [redacted] said the driver

of the patrol car exited the vehicle and began to run toward the suspect, with his gun drawn, ordering the suspect to stop.

Witness [redacted] said the suspect turned toward the deputy and the deputy began to fire his weapon at the suspect. He said the suspect fell to the ground and while on the ground pointed the gun at the deputies, and attempt to shoot them.

Witness [redacted] said while the suspect was on the ground, the deputies continued to give him commands to stop and not to move. He said the suspect still had his hands underneath his body and he believed the suspect was still armed. He said the deputies approached the suspect and handcuffed him without further incident.

Witness [redacted] was uncertain of the actions by the passenger deputy, whom he believed chased a second suspect and detained him quickly. He said his primary focus was on the driver deputy due to his proximity to the driver.

For a detailed summary of Witness [redacted] Homicide interview, **refer to Exhibit A, page 78-79.**

WITNESS [redacted]

Witness [redacted] was interviewed by Homicide Investigators, Sergeants Don Wall and Sandra Nava at Norwalk Station on October 20, 2012, at 2032 hours. The interview was audio digitally recorded. The following is a summary of their interview.

Witness [redacted] said she was at the park standing near the playground area at the time of the incident. She said her child was playing in the playground and her boyfriend, (Witness [redacted] was standing near her.

Witness [redacted] said she saw two guys running in a northwest direction across the grass, being chased by a radio car. She said she saw the radio car strike one of the guys, causing him to momentarily get knocked onto the hood of the car. She said the patrol vehicle stopped and the deputies exited the vehicle.

Witness [redacted] said she was approximately 20 to 30 feet away from where the radio car stopped and the deputies exited the vehicle. She said as the driver deputy exited the vehicle he began to shoot at the suspect, who was standing approximately 10 feet in front of the radio car. She said she believed the suspect was shot approximately five times in the back. She said as the suspect was running he was holding the waistband of his pants as if he was holding his pants up.

Witness [redacted] said after the shooting the driver deputy approached the suspect and kicked him "a couple" of times. She said it appeared that the deputy kicked him on the head. She said she did not witness the actions of the passenger deputy as her focus

was on the driver deputy.

For a detailed summary of Witness [redacted]'s Homicide interview, **refer to Exhibit A, page 79-80.**

WITNESS [redacted]

Witness [redacted] was interviewed by Homicide Investigators, Sergeant Don Wall and Sandra Nava at Norwalk Station on October 20, 2012, at 2115 hours. The interview was audio digitally recorded. The following is a summary of their interview.

Witness [redacted] said he was in the park standing near the "port-a-potties" approximately 75 to 100 yards southwest of where the shooting occurred. He said while at that location he heard approximately five to six gunshots. He said he looked in the direction of the gunshots and saw the suspect stumble and fall to the ground. He said while on the ground a deputy approached the suspect, checked his pockets and handcuffed him.

Witness [redacted] said a second person was running west at the time of the shooting. He said when the shots were fired the second person put his hands in the air and went down to the ground.

For a detailed summary of Witness [redacted] s Homicide interview, **refer to Exhibit A, page 81.**

WITNESS [redacted]

Witness [redacted] was interviewed by Homicide Investigators, Sergeant Don Wall and Sandra Nava on October 20, 2012, at 2123 hours. The interview was audio digitally recorded. The following is a summary of their interview.

Witness [redacted] did not have any pertinent information regarding the incident at Hermosillo Park.

Witness [redacted] continued talking about being picked up by the "Feds" saying, they wanted him to sell dope laced with heroin to weed out the bad people.

For a detailed summary of Witness [redacted] s Homicide interview, **refer to Exhibit A, page 81-82.**

WITNESS [redacted]

Witness [redacted] was interviewed by Homicide Investigators, Sergeants Don Wall and Sandra Nava on October 20, 2012, at 2308 hours. The interview was audio digitally recorded. The following is a summary of their interview.

Witness [redacted] said he did not witness any events leading up to the shooting. He said he was standing near the restrooms, eating, when he heard some gunshots. He said after the gunshots everybody began to "scatter," and he saw his brother, Witness [redacted], in the park. He said as he was running toward his brother he was detained by the deputies.

For a detailed summary of Witness [redacted]' Homicide interview, **refer to Exhibit A, page 82-83.**

WITNESS [redacted]

Witness [redacted] was interviewed by Homicide Investigators, Sergeants Don Wall and Sandra Nava on October 20, 2012, at 2315 hours. The interview was audio digitally recorded. The following is a summary of their interview.

Witness [redacted] said while he was at the park the "Cops" started chasing him. He said as he was running from the "Cops" he heard gunshots. He said the "Cops" caught him and detained him on the east side of the park prior to him reaching the exit/entry gates.

For a detailed summary of Witness [redacted]' Homicide interview, **refer to Exhibit A, page 83.**

WITNESS [redacted]

Witness [redacted] was interviewed by Homicide Investigators, Sergeants Don Wall and Sandra Nava on October 21, 2012, at 0010 hours. The interview was audio digitally recorded. The following is a summary of their interview.

Witness [redacted] said he was walking in the park with his baby and his "baby's momma," (Witness [redacted]) when he saw the suspect running northwest across the field. He said the patrol vehicle was getting close to the suspect, however he never saw the patrol car strike the suspect.

Witness [redacted] said when the patrol vehicle stopped the deputy exited the vehicle and began shooting at the suspect. He believed the "first couple of shots" missed the suspect before he was struck by the gunfire. He said when the suspect was struck he fell to the ground. He was lying on his stomach and immediately put his hands behind his back. Witness [redacted] said the suspect fell approximately 12 feet in front of the patrol vehicle.

Witness [redacted] said when the suspect was on the ground the deputy walked up to the suspect and kicked him in the face. He said he did not hear the deputies giving any

commands to the suspect. He said the incident occurred within 20 seconds.

For a detailed summary of Witness [redacted]' Homicide interview, **refer to Exhibit A, page 83-84.**

WITNESS [redacted]

Witness [redacted] was interviewed by Homicide Investigators, Sergeants Don Wall and Sandra Nava on October 21, 2012, at 0028 hours. The interview was audio digitally recorded. The following is a summary of their interview.

Witness [redacted] told investigators that she was not at the park nor was she a witness to the shooting. She said she was at her boyfriend's house, which is near the park, when she heard the helicopter overhead. She said she went to the park to check on her brother, who was at the park, when she learned of the shooting. She said she became frustrated with the police because she could not find out if her brother was involved. She admitted that she was uncooperative and verbally abusive toward the deputies when she was arrested.

For a detailed summary of Witness [redacted], Homicide interview, **refer to Exhibit A, page 84.**

WITNESS [redacted]

Witness [redacted] was interviewed by Homicide Investigators, Sergeants Don Wall and Sandra Nava on October 21, 2012, at 0035 hours. The interview was audio digitally recorded. The following is a summary of their interview.

Witness [redacted] said during the incident he was standing on the outside of the east fence line of the park. He said he heard the sound of a car engine, followed by a "bang" and then gunshots. He said he looked in the direction of the gunshots and he saw the suspect running and then fall to the ground. He said while the suspect was on the ground the deputy continued to shoot at the suspect.

For a detailed summary of Witness [redacted]' Homicide interview, **refer to Exhibit A, page 85.**

WITNESS [redacted]

Witness [redacted] was interviewed by Homicide Investigators, Detective Dawn Retzlaff and Deputy District Attorney [redacted] on October 20, 2012, at 1936 hours. The interview was audio digitally recorded. The following is a summary of their interview.

Witness [redacted] said on the date of the incident he was working for the City of Norwalk

Parks and Recreation Department and was assisting with crowd control near the corner of Horst Avenue and Hermosa Street. He said the city was hosting the [redacted] Sr. Halloween Parade.

Witness [redacted] said during the awards ceremony he was standing near a building, which contained business offices for the park. He said while he was watching the ceremony he saw two deputy sheriff's walking towards the center portion of the park, one from the northeast corner and one from the northwest corner.

Witness [redacted] said a group of approximately 10-12 "gang members" were standing north of his location drinking beer. He said the two deputies came together and three of the male "gang members" began to walk away. He said the deputies attempted to make contact with the "gang members" when he saw a patrol car driving in a westerly direction through the park towards them. He said two of the "gang members" began to run and one of them was detained on the west side of the park and the other one disappeared from his view behind a hill. He said the male quickly re-appeared and he could "clearly" see the male from the waist up.

Witness [redacted] said he continued to watch the encounter when he saw the suspect pull a black pistol from the waistband area of his pants and point it at the deputies. He said he saw the deputies begin to fire their weapons at the suspect.

Witness [redacted] said there were two deputies that exited the patrol vehicle and he primarily focused on the driver of the vehicle. He said once the suspect was on the ground he saw a third deputy walk to the area of the shooting and perform a leg sweep motion on something on the ground, but could not see what it was.

For a detailed summary of Witness [redacted]'s Homicide interview, **refer to Exhibit A, page 45 – 47.**

WITNESS [redacted]

Witness [redacted] was interviewed by Homicide Investigators, Detective Dawn Retzlaff and Deputy District Attorney [redacted] on October 20, 2012, at 2018 hours. The interview was audio digitally recorded. The following is a summary of their interview.

Witness [redacted] said he was working for the City of Norwalk Parks and Recreation Department and was assisting with crowd control for the [redacted] Sr. Halloween Parade.

Witness [redacted] said at the time of the incident he was getting food from the snack area when he overheard a deputy say, "Oh, he's running, they're chasing him." He said he looked toward the area and saw Sheriff's deputies running into the open field area of the park. Witness [redacted] said he saw a patrol vehicle stopped in the grassy area and

a male wearing a black sweatshirt was in front of the patrol car. He said it appeared that the deputies and the suspect were facing each other.

Witness [redacted] said he saw the deputies, with what he believed to be "Tasers" pointed at the male. He said, "Oh man, they are going to Tase this guy." He said he then saw the deputies retrieve their weapons when his friend [redacted] (Witness [redacted]) grabbed him and pulled him out of the way. He said as he turned he heard approximately 6-7 gunshots. He said he looked back and saw the male with the black shirt on the ground. He said he did not see the actual shooting, but saw the male on the ground.

For a detailed summary of Witness [redacted]s Homicide interview, **refer to Exhibit A, page 47.**

WITNESS [redacted].

Witness [redacted] was interviewed by Homicide Investigators, Detective Dawn Retzlaff and Deputy District Attorney [redacted] on October 20, 2012, at 2048 hours. The interview was audio digitally recorded. The following is a summary of their interview.

Witness [redacted] said at the end of the ceremony he was standing between the playground and the stage when he heard what he believed to be fireworks. He said he looked up to the sky when he realized they were actually gunshots. He said when he realized they were gun shots he looked down the hill and he saw deputies running after a bald headed guy, who was shooting at them with a handgun. Witness [redacted] said he heard approximately 6-8 gunshots and people were yelling, "Get down! Get down!"

Witness [redacted] said he saw a one patrol vehicle with the driver door open in the park near the suspect. He said when the suspect was on the ground a deputy used his body weight to hold the suspect on the ground and conducted a search of the suspect. He said the deputy handcuffed the suspect without further incident. For a detailed summary of Witness [redacted], Homicide interview, **refer to Exhibit A, page 47-48.**

WITNESS [redacted]

Witness [redacted] was interviewed by Homicide Investigator, Detective Dawn Retzlaff on October 23, 2012, at 1145 hours. The interview was audio digitally recorded. The following is a summary of their interview.

Witness [redacted] said he was working the [redacted] Sr. Halloween Parade and was originally assigned to assist with crowd control at the intersection of Pioneer Boulevard and Everston Street. He said he returned to the park and was with one of his co-workers during the time of the shooting.

Witness [redacted] said he was near the basketball court area getting food from the food

booths when he noticed an increase in police presence. He said he saw a group of four or five male Hispanic "gang members" walking towards the back of the park, "away from the cops." He said he looked to the west side of the park and he saw a deputy driving a patrol vehicle north through the park. He said after obtaining his food he continued to watch the events from the area between the basketball courts and racquetball courts.

Witness [redacted] said the group of males changed the direction they were walking and started to walk south through the park toward the park offices. He said a deputy began to walk toward the group as if he was going to contact them. Witness [redacted] said he began to walk toward the amphitheater when his attention was drawn to a green unmarked patrol car and a black and white patrol vehicle that were entering the park through the east parking lot. He said the suspect began to run away from the group.

Witness [redacted] said as the suspect ran away from the group he raised his right arm, away from his body and pointed a gun at the deputies. He said he heard a single "pop" sound and he immediately dropped to the ground. He said he also told his co-worker to get down as well. He said he then heard approximately 6 to 10 gunshots and within seconds he heard a helicopter overhead. He said he did not see the deputies shooting due to him lying on the ground.

For a detailed summary of Witness [redacted], Homicide interview, **refer to Exhibit A, page 48-50.**

WITNESS [redacted]

Witness [redacted] was interviewed by Homicide Investigator, Detective Dawn Retzlaff on October 24, 2012, at 1515 hours. The interview was audio digitally recorded. The following is a summary of their interview.

Witness [redacted] said she was standing in the area of the park offices and the port-a-potty's when the shooting occurred. She said she heard approximately three gunshots, when she turned and saw a deputy shooting his gun. She said she was not able to see the suspect due to her positioning behind a small grassy hill in the park north of the playground.

For a detailed summary of Witness [redacted], Homicide interview, **refer to Exhibit A, page 50-51.**

WITNESS [redacted]

Witness [redacted] was interviewed by Homicide Investigator, Sergeant William Marsh and District Attorney Investigator [redacted] on October 20, 2012, at 2000 hours. The interview was audio digitally recorded. The following is a summary of their interview.

Witness [redacted] said she was standing adjacent to the park offices monitoring the final stage of the awards ceremony which was taking place in the amphitheater of the park. She said she was facing south looking toward the amphitheater when she heard "shots". She said initially she thought the shots were fireworks until she looked to the north and saw, "Two cops with their guns drawn." She said she did not believe the two deputies she saw were involved. She said she was unable to see the area of where the shooting occurred due to a slope in the park's field, north of her position.

For a detailed summary of Witness [redacted]'s Homicide interview, **refer to Exhibit A, page 55-57.**

WITNESS [redacted]

Witness [redacted] was interviewed by Homicide Investigator, Sergeant William Marsh and District Attorney Investigator [redacted] on October 20, 2012, at 2050 hours. The interview was audio digitally recorded. The following is a summary of their interview.

Witness [redacted] said he was assisting staff members with the awards ceremony in the area the amphitheater and he was positioned near the facility building. He said while attending to his duties he heard four to six shots. He said he heard one shot and then several other shots fired in "rapid succession." He said prior to the shooting he was facing south. He said once he heard the shots he immediately turned to the north and saw a deputy with his weapon drawn. He said he heard additional gunfire however he did not see any muzzle flash or other activity coming from the Deputy's weapon. He said he was unable to see any other activity after the shooting due the large number of park patrons who were now congregated, obscuring his view.

For a detailed summary of Witness [redacted] Homicide interview, **refer to Exhibit A, page 57-58.**

WITNESS [redacted]

Witness [redacted] was interviewed by Homicide Investigator, Sergeant William Marsh and District Attorney Investigator [redacted] on October 20, 2012, at 2155 hours. The interview was audio digitally recorded. The following is a summary of their interview.

Witness [redacted] said she was standing north of the stage area just prior to the shooting. She said she was directing her attention to the south when she heard approximately five "popping sounds." She said she did not know what the "popping sounds" were.

Witness [redacted] said she turned and saw a "gentleman in a bluish, green/white button down shirt" running from the handball courts. She said the "gentleman" was being chased, on foot, by a deputy sheriff.

Witness [redacted] said she turned her attention away from the police activity and began to direct the staff members to move people out of the park. She said she later saw deputies placing the "gentleman" into the rear of a police car.

For a detailed summary of Witness [redacted]'s Homicide interview, **refer to Exhibit A, page 58-59.**

WITNESS [redacted]

Witness [redacted] was interviewed by Homicide Investigator, Sergeant William Marsh via telephone on October 22, 2012, at 1215 hours. The interview was audio digitally recorded. The following is a summary of their interview.

Witness [redacted] said she was sitting near the "splash pool" facing south when she heard gunfire. She said she turned and faced to the north, when she saw a male Hispanic being chased by a deputy sheriff in a patrol car. She said she saw a "second deputy shooting at the second guy." She said she saw the second subject fall to the ground and the second deputy approached the area where the second suspect fell. She said the deputy walked around, and looked at the ground where the suspect fell. She said the deputy appeared to make a kicking motion. She said she did not see the deputy kick the suspect on the ground, she just assumed he did.

Witness [redacted] said she was unable to provide a better account of the deputy and the person on the ground, due to her view being obstructed by a hill between the playground and the grassy field area. She said after observing the events she immediately entered the facility building.

For a detailed summary of Witness [redacted]'s Homicide interview, **refer to Exhibit A, page 59-61.**



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
SHARON J. MATSUMOTO • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

November 20, 2013

Captain Duane Harris
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File # 12-0688
L.A.S.D. File # 012-14773-0458-055

Dear Captain Harris:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 20, 2012, non-fatal shooting of Angel Ray Aceituno by Los Angeles County Sheriff Deputies Michael McMorrow and David Jimenez. It is our conclusion that Deputies McMorrow and Jimenez acted in lawful self-defense and defense of others.

The District Attorney's Command Center was notified of the shooting on October 20, 2012, at approximately 4:00 p.m. The District Attorney Response Team, comprised of Deputy District Attorney Deborah Delport and District Attorney Senior Investigator Juan Flores, responded and was given a briefing and a walk-through of the scene.

The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department (LASD), submitted to this office by Investigators Sandra Nava and Don Walls, LASD, Homicide Bureau. Deputies McMorrow and Jimenez provided voluntary statements which were considered as part of this analysis.

FACTUAL ANALYSIS

On October 20, 2012, the City of Norwalk hosted its annual Halloween parade that concluded at Hermosillo Park. The Los Angeles County Sheriff's Department Norwalk Enforcement Team provided traffic control during the parade and security at the park.

At approximately 2:40 p.m., LASD Deputies Michael McMorrow and David Jimenez were positioned on the south perimeter of the park when they noticed a group of men they believed to

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be Varrio Norwalk gang members, walking east through the park. They decided to contact the men. As the deputies approached in their patrol car, two of the men separated from the group and began to walk in the opposite direction. One of the men, subsequently identified as Angel Ray Aceituno, began to run when the patrol car headed in their direction. Aceituno was holding his waistband as he fled from the deputies. McMorrow and Jimenez observed Aceituno remove a gun from his waist area and turn to his left. McMorrow believed that Aceituno was turning to shoot at him and Jimenez. In fear for their lives, McMorrow accelerated the patrol car and struck Aceituno. Aceituno bent backward on the hood of the patrol car, then fell to the ground as McMorrow applied the brakes. McMorrow and Jimenez exited the car with their service weapons drawn. By that time, Aceituno had stood up from the ground and was running north through the park. The deputies went in foot pursuit.

McMorrow and Jimenez ordered Aceituno to stop running. McMorrow ordered Aceituno to drop the gun that he still held in his right hand. Instead, McMorrow saw Aceituno bring both hands in front of him. It appeared to McMorrow that Aceituno was manipulating the gun and trying to chamber a round. At that time, Aceituno began to turn to his left toward the deputies. McMorrow and Jimenez believed that Aceituno was preparing to shoot at them. In fear for their lives, McMorrow and Jimenez fired their service weapons at Aceituno. As he fell to the ground, Aceituno tossed his firearm. Aceituno landed on his stomach with his right hand beneath him. McMorrow ordered Aceituno to remove his hand from beneath his body. McMorrow kicked Aceituno in the upper torso one time when he did not comply. At that time, Aceituno pulled his hand from beneath his body. McMorrow held Aceituno at gunpoint until assisting deputies arrived and took him into custody.

Los Angeles County Fire Department personnel responded to the park and provided medical assistance to Aceituno. Aceituno was transported to UCI Medical Center and treated for gunshot wounds to his left forearm and right shoulder blade. He also had an abrasion to his left rib cage.

A matte silver, Smith and Wesson 5906, 9mm Luger caliber semiautomatic firearm was recovered in close proximity to where Aceituno fell. The chamber was empty and one live round was recovered next to the weapon. Nine live rounds were recovered from the magazine. The live round found next to the Smith and Wesson was identified as having been cycled through the action of the firearm. The firearm was reported stolen from the registered owner in the City of Corona during a residential burglary on August 17, 2012.

Statement of Sergeant Grady Miles

Sergeant Miles was positioned at the northeast corner of the park monitoring the crowd when he heard radio traffic advising that McMorrow and Jimenez had seen a man with a gun. Miles then observed Aceituno running through the grass holding the front right side of his waistband with his right hand. Aceituno was being followed by McMorrow and Jimenez in their patrol car. Aceituno was smiling as he ran. As Miles drove in their direction, Aceituno pulled a gray handgun from his waistband and looked back over his right shoulder at the patrol vehicle. The patrol car struck Aceituno causing him to roll on the hood then fall to the ground. Aceituno

continued to run through the park with the gun in his hand. As Miles attempted to cut off Aceituno's path of escape in his patrol car, he heard six to eight gunshots. Aceituno fell to the ground.

Statement of Deputy Frank Barragan

Barragan observed two men running westbound through the park away from a patrol car. He attempted to flank the men on foot and momentarily lost sight of the chase. When he regained sight of them, McMorrow and Jimenez were out of the patrol car and had their service weapons drawn. Barragan noticed that Aceituno had something in his hand when he turned toward McMorrow. At that time, McMorrow fired his weapon at Aceituno. Aceituno fell to the ground.

Statement of [redacted]

[redacted] was attending the park festivities when he noticed a patrol car approach a group of gang members. Aceituno and a second male left the group and ran north through the grass. The patrol car chased them. Aceituno tripped and fell in front of the patrol car. The car stopped and the deputies exited. Aceituno got back up and continued running. At that time, Aceituno was armed with a gun. The deputies had their service weapons drawn and were ordering Aceituno to stop. Aceituno turned toward the deputies with the gun in his hand and the deputies fired at Aceituno.

Statement of [redacted]

[redacted] He was assisting with crowd control at the park when he observed several deputy sheriffs approach a group of 10 to 12 gang members drinking beer. As a patrol car drove through the park toward the group, Aceituno and another male fled. Aceituno pulled a black semiautomatic firearm from his waistband and pointed it at the deputies. The deputies, who had exited their patrol car, fired their service weapons at Aceituno in response. Aceituno fell to the ground.

Statement of [redacted]

[redacted] was also working at the park when he observed a black and white patrol car drive through the park toward a group of gang members. Aceituno took off running and pointed a gun toward the deputies with his right hand. [redacted] heard a single "pop" sound. [redacted] dropped to the ground and heard numerous gunshots.

Statement of [redacted]

[redacted] was volunteering with the Parks and Recreation Department for the parade. [redacted] heard gunshots in the park and saw deputy sheriffs running after Aceituno. Aceituno was shooting at the deputies with a handgun.[1] The deputies returned fire and Aceituno fell to the ground.

[1] The investigation did not reveal any evidence that Aceituno fired his weapon.

Statement of [redacted]

[redacted] is a [redacted] with the City of Norwalk. While at Hermosillo Park, she heard five to seven gunshots and turned to see a male being chased by a deputy sheriff in a patrol car. The deputy eventually handcuffed the man and placed him against the patrol car. At that time, in a different location, [redacted] observed a second deputy pointing his service weapon at a second male, presumably Aceituno. [redacted] believed the deputy was firing his weapon. The man fell to the ground. The deputy made a kicking motion with his foot at the man.[2]

Statement of [redacted]

[redacted] was a visitor at the park. She observed Aceituno and another man running across the grass while being chased by deputies in a patrol car. Aceituno was holding his waistband. The car hit Aceituno and momentarily knocked him onto the hood. The car stopped and the deputies exited the vehicle. The driver (McMorrow) began shooting at Aceituno who was standing ten feet from the car. She believed Aceituno was shot five times in the back. Aceituno fell to the ground and was kicked a couple times in the head by McMorrow.

Statement of [redacted]

[redacted] was walking through the park with [redacted] and their child when he saw Aceituno running across the grass being pursued by a patrol car. The car stopped and a deputy exited and began shooting at Aceituno. Aceituno fell to the ground and was kicked in the face by a deputy. He never saw Aceituno with a weapon. [redacted] knows Aceituno as a "lil gangster" with the moniker of "Weasel." [redacted] and Aceituno were involved in an incident on the Fourth of July that nearly became physical.

Statement of [redacted]

[redacted] is an admitted Varrio Norwalk gang member. Aceituno is a member of the same gang. [redacted] was at the park when he heard gunshots. He looked in the direction of the gunfire and saw Aceituno running and then fall to the ground. While on the ground, a deputy continued to shoot at Aceituno. [redacted] had no knowledge that Aceituno was in possession of a firearm. When he was asked why he thought Aceituno would run from the police, [redacted] stated that Aceituno always runs.[3]

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[2] The man who fled on foot with Aceituno was detained without incident by another deputy sheriff.

[3] At the time of the deputy involved shooting, Aceituno was being investigated for an assault with a firearm that had occurred on a previous date. Two fired cartridge casings recovered during that crime were subsequently determined to have been fired from the weapon recovered from Aceituno during this incident. In March 2013, Aceituno was charged in case VA129402 for attempted murder with the use of a firearm and a gang allegation for that previous incident. [redacted] is a co-defendant in that case.

Criminal Charges

Angel Ray Aceituno was charged in case VA127643 with two counts of assault on a peace officer with a semiautomatic firearm and possession of a firearm by a felon.

CONCLUSION

The use of deadly force in self-defense or in defense of another is justifiable if the person claiming the right actually and reasonably believed (1) that he or the person he was defending was in imminent danger of being killed or suffering great bodily injury, (2) that the immediate use of force was necessary to defend against that danger, and (3) that he used no more force than was reasonably necessary to defend against that danger. [See *CALCRIM 505*]

The evidence examined in this investigation shows that Deputies McMorrow and Jimenez attempted to contact Aceituno at Hermosillo Park unaware that he was in possession of a loaded semiautomatic handgun. Rather than risk detention by the deputies, Aceituno chose to run. While fleeing, Aceituno removed the firearm from his waistband, escalating the danger. Aceituno turned toward the deputies in the patrol car with the firearm in his hand. In fear for their lives, McMorrow knocked Aceituno down with the patrol car. Aceituno continued running from the deputies, who were now out of the car. He turned toward the deputies a second time with the handgun still in his hand. Aceituno's actions placed Deputies McMorrow and Jimenez in fear for their lives, and their partner's life, and they responded with deadly force.

We find that Deputies Michael McMorrow and David Jimenez acted in lawful self-defense and defense of others. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

JACKIE LACEY
District Attorney

By Deborah A. Delport

DEBORAH A. DELPORT
Deputy District Attorney
[redacted]

c: Deputy Michael McMorrow, [redacted]
Deputy David Jimenez, [redacted]

761551N52A – SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: November 14, 2014

FROM: RALPH J. WEBB, COMMANDER
EAST PATROL DIVISION

TO: DONNIE MAULDIN, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS

Case Number:	SH2323528/FO2335364
Incident:	Category III Use of Force
Incident Date:	January 18, 2014
Unit:	Special Enforcement Bureau
Suspect:	Aceituno, Angel MH/04/23/94
Involved Employees:	Deputy Michael McMorrow [redacted] Deputy David Jimenez [redacted]
EFRC Date:	November 13, 2014

The Executive Force Review Committee (EFRC) consisting of Commanders Ralph J. Webb, David E. Halm, and Patrick E. Maxwell met and reviewed the above case.

FINDINGS:

The EFRC determined the force used against the suspect was within Department policy. The EFRC also determined the tactics used were within Department policy.

RECOMMENDATIONS:

The EFRC recommended the Norwalk Station unit commander, Captain Curtis Jensen, conduct a tactical debriefing of the incident with the involved personnel.

RJW:RFI:rfi